

**MINUTES
COLUMBUS PLAN COMMISSION MEETING
JANUARY 2, 2008 AT 4:00 P.M.
MEETING HALL, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Dave Fisher (President), John Hatter, Brian Haza, Dave Bonnell, Roger Lang, Steve Ruble, Tom King, Rachel Quisenberry, Ann DeVore, Joan Tupin-Crites, Tom Wetherald and Tom Finke (County Liaison).

Members Absent: None.

Staff Present: Jeff Bergman, Laura Thayer, Thom Weintraut, Heather Pope, Sondra Bohn, Emilie Pannell, Rae-Leigh Stark and Eric Hayes (Deputy City Attorney).

Mr. Fisher introduced three new plan commission members. They were Tom Wetherald, appointed by the Mayor, Rachel Quisenberry appointed by the Park Board and Ann DeVore appointed by the City Council.

ELECTION OF OFFICERS

Mr. Ruble stated the nominating committee had recommended Dave Fisher, President, Dave Bonnell, Vice President and Steve Ruble for Secretary. Mr. Ruble made a motion for that to be the slate of officers for 2008. Ms. Tupin-Crites seconded the motion and it carried unanimously by voice vote.

CONSENT AGENDA

Minutes of the December 5, 2007 meeting.

Motion: Ms. Bonnell made a motion to approve the minutes. Mr. Hatter seconded the motion and it carried unanimously by voice vote.

MP-07-07: McLeod's Acres – a request by Kyle McLeod to create 3 lots totaling 42.4 acres. The property is located on the southeast corner of County Roads 250 South and 550 West, or more specifically, at 3971 South County Road 550 West in Harrison Township.

Mr. Fisher stated that this item could be put on the Consent Agenda because the only question is whether a modification for sidewalks would be allowed.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the public meeting.

Motion: Ms. Tupin-Crites made a motion to approve this request with relief from sidewalks being constructed along all street frontages and the following comments being addressed: (1) Remove Minor Plat from the title of the subdivision, (2) No access can be shown as a hatched line along the lot 1 line and then labeled in the legend, and (3) The Surveyor's Certificate should match Section 16.36.010 of the Subdivision Control Ordinance. Mr. Haza seconded the motion and it carried with a vote of 11-0.

OLD BUSINESS REQUIRING COMMISSION ACTION

SU-07-24: Southwestern Bartholomew Water Corporation – a request by Southwestern Bartholomew Water Corporation to rezone a property of 0.62 acres from AG (Agriculture) to SU-13 (Utilities Installations). The property is located on the southeast corner of County Roads 550 West and 300 South in Harrison Township

Mr. Fisher read into the record a letter from Mark Isaacs from Independent Land Surveying requesting a continuance to the February 2008 meeting.

Motion: Ms. Tupin-Crites made a motion to continue this request to the February 2008 meeting. Mr. Haza seconded the motion and it passed with a vote of 11-0.

NEW BUSINESS REQUIRING COMMISSION ACTION

RZ-07-14: Louis Brown – a request by Louis Brown to rezone a property of 4.72 acres from I-2 (Medium Industrial) and R-2 (Single Family Residential) to B-4 (Highway Commercial). The property is located at the west side of Indianapolis Road approximately 1100 feet north of Lowell Road in the City of Columbus.

Mr. Fisher read into the record a letter from Louis Brown requesting a continuance to the February 2008 meeting.

Motion: Mr. Bonnell made a motion to continue this request to the February 2008 meeting. Ms. Tupin -Crites seconded the motion and it carried with a vote of 11-0.

RZ-07-11: Scott M. Ellegood / Werner-Hutchins – a request by Scott M. Ellegood to rezone 16 properties totaling 1.94 acres from B-1 (Neighborhood Business) and B-2 (Community Business) to R-7 (Multi Family Residential). The properties are located on the south side of 10th Street from Werner Street to the alley east of Hutchins Avenue in the City of Columbus.

E.R Gray with E.R. Gray & Associates and Scott Ellegood, owner of the property, represented the petitioner.

Mr. Gray asked for a continuance to the February 2008 meeting.

Motion: Mr. Ruble made a motion to approve the continuance to the February 2008 meeting. Mr. Bonnell seconded the motion and it carried with a vote of 11-0.

RZ-07-12: Scott M. Ellegood / Terrace Lake Road – a request by Scott M. Ellegood to rezone a property of 23.98 acres from R-3 (Single Family Residential) to R-7 (Multi Family Residential). The property is located on the west side of Terrace Lake Road 1600 feet south of Carr Hill Road in the

City of Columbus.

E.R. Gray with E.R. Gray & Associates and Scott Ellegood, owner of the property, represented the petitioner.

Mr. Gray asked for a continuance to the February 2008 meeting.

Motion: Mr. Bonnell made a motion to continue this request to the February 2008 meeting. Ms. Tupin-Crites seconded the motion and it carried with a vote of 10-1 with Mr. Hatter being the nay vote.

RZ-07-13: Scott M. Ellegood / 7th and Union Streets – a request by Scott M. Ellegood to rezone 3 properties totaling 16,966 square feet from R-6 (Multi Family Residential) to R-7 (Multi Family Residential). The properties are located at 715 Union Street, 1104 7th Street, and 1114 7th Street in the City of Columbus.

Heather Pope presented the staff information on this request.

E.R. Gray with E.R. Gray & Associates and Scott Ellegood, owner of the property, represented the petitioners.

Mr. Gray passed out a copy of the schematic drawing of how the site could be developed to the Plan Commission members.

Mr. Gray stated that looking through the staff comments there are many reasons that this probably should be rezoned... He stated that the staff report says it would seem to represent a spot zoning; a highly discouraged practice that would set the site apart from other, adjoining like properties. Mr. Gray stated that the Comprehensive Plan encourages revitalizations and improvement in areas such as this property. He stated they plan to vacate some lot lines and create a larger lot. He stated they intend to build a single building with a parking lot. Mr. Gray stated they felt that had met the spirit and letter of the Comprehensive Plan. He asked how bad spot zoning is. He stated there was commercial business south and east and R-6 zoning to the north and west. Mr. Gray stated they were proposing ten units in this building and that they will meet the parking requirements. Mr. Gray stated it was his opinion that they have met the intent of the Comprehensive Plan and this rezoning would allow improvements to be made to the area.

Mr. Fisher asked if landscaping would be part of the proposal after the construction was completed. Mr. Gray stated the formal proposed landscape plan would be reviewed by the Planning Department and would have to meet the landscaping requirements of the Zoning Ordinance.

Mr. Fisher asked if they knew what the building would look like and the kind of construction materials that would be used. Mr. Ellegood stated it would be a multi story building, all brick, dimensional shingles, and the building would be built to a high standard for that neighborhood. Mr. Fisher asked if the entrances to the individual units would be from an interior hallway or exterior entrances. Mr. Ellegood stated it could be a combination of both.

Mr. Fisher asked the number of units the current zoning would allow. Ms. Pope stated that the present zoning would allow for eight units and rezoning would allow for ten units.

Ms. Tupin-Crites asked if height restriction would allow for multi-buildings in R-6 or R-7 zoning.

Ms. Pope stated yes.

Mr. Ruble asked if an R-7 zoning between a B-2 and R-6 be considered a buffer between the two different zonings. Mr. Bergman stated that one of factors that support density is the availability of some type of consumer opportunity and the perception is it would provide some type of buffer function with a transition between the two zonings.

Ms. DeVore asked if this would be the same if the R-6 zoning were not changed. Mr. Bergman stated that Mr. Gray's general assessment of the situation is accurate. He stated there is not a lot of direction from the Comprehensive Plan and in some ways, it supports the rezoning. He stated there was nothing that would indicate that this parcel could not support 10 units instead of 8 units.

Mr. Fisher asked if the site plan that was provided shows the 10-foot setback from the sidewalk to the building that is required by the ordinance. Mr. Gray stated yes.

Mr. Lang asked if the setback was based on the property line. Mr. Bergman stated that it was based on the distance from the centerline of that street and, with this request; they are able to use the average setback that is present on the block.

Mr. Fisher opened the meeting to the public.

Ms. Mary Laudick stated it was her opinion that this request would be a benefit to the neighborhood and provide more housing for the downtown area.

Ms. Gracie Cole stated she supported this request and this would be an improvement to the neighborhood.

Ms. Mickey Fulp spoke in favor of this request. She stated she owns several pieces of property in this neighborhood and this would be an improvement to the area.

Ms. Belinda Graber stated she had previous experience in developing projects with Mr. Ellegood. She stated it was her opinion that he would construct a building that would improve the neighborhood.

Mr. Brad Grayson stated that he owned several pieces of property in the area. He stated this request would improve the neighborhood and allow for more affordable housing.

Mr. Fisher closed the public hearing.

Mr. Bergman stated that staff could not find a compelling land use reason that this property should be a different maximum density than the surrounding properties. He stated it was a policy question of overall density. Mr. Bergman stated that the public comments were helpful. Mr. Bergman stated that staff would recommend an unfavorable recommendation be sent to City Council. He stated if Plan Commission is inclined to send a favorable recommendation to the City Council he would recommend the following conditions: (1) The building should be built and the building should be built up to a line that is consistent with the neighborhood, and (2) The primary pedestrian entrance must face a public street as opposed to being off the parking lot so the building doesn't turn its backside to the street.

Mr. Ellegood stated he would agree to this.

Motion: Mr. Lang made a motion to send a favorable recommendation to the City Council for an R-7C rezoning with conditions as follows: (1) requiring a building setback consistent in character with adjacent neighborhoods and (2) requiring any new structure to face a public street. Ms. Tupin-Crites seconded the motion and it carried with a vote of 10-1 with Ms. Devore being the nay vote.

RZ-07-15: James R. Gordon – a request by James R. Gordon to rezone 12 lots and 1 block totaling 20.48 acres from B-4 (Highway Business) to I-2 (Medium Industrial). The property is located at the intersection of Omega Drive and Indianapolis Road in the City of Columbus.

Rae-Leigh Stark presented the staff information on this request.

Mark Isaacs with Independent Land Surveying, Inc. and James Gordon represented the petitioners.

Mr. Isaacs stated this property had been on the market as a B-4 zoning and did not sell. He stated Mr. Gordon was advised by his realtor to rezone it to I-2 so it would be more marketable for the community. Mr. Isaacs stated they would ask for a favorable recommendation.

Mr. Fisher opened the meeting to the public.

Ms. Sandra Foist presented a petition of signatures from 22 Tudor Addition residents that opposed the request because of environmental, health, safety, and traffic concerns to the neighborhood.

Ms. Margaret Speakman expressed concern about the increased traffic on County Road 150 West and the safety of the children that played in the neighborhood. Ms. Speakman stated she would prefer the lighter industrial use than the medium.

Mr. Jim Puckett stated he owned 153 acres behind this site and asked if the proposal was one lot. Mr. Bergman stated the proposed rezoning would not have any effect on the platting process. Mr. Puckett asked if they would need a separate entrance. Mr. Bergman stated for a residential development the Plan Commission and staff would require a secondary access once it exceeds the capacity of what a single entrance would allow for adequate public safety in terms of the number of lots.

Mr. Puckett spoke in favor of the rezoning.

Mr. Fisher closed the public meeting.

Mr. Fisher asked what the difference was in between the B-4 and proposed zoning of I-2. Mr. Bergman stated that the B-4 zoning would include auto service station, auto sales, drive-in restaurants, permanent carnivals, drive-in movies, hotels, motels, restaurants, live entertainment and any special uses such as model home displays, plant nursery, building material sales and greenhouses, which would be the most intensive uses. Mr. Bergman stated that an I-2 zoning would also allow everything that would be allowed in an I-1 zoning district which would be anything from engineering and research laboratories, training facilities, any sort of light manufacturing, a passenger station for rail transportation, any warehousing, packaging facilities, any sort of utilities substation, bakery, processing of food and dairy products, manufacturing of any glass or rubber products, printing or publishing materials, machine welding or tool and die shops operation, manufacturing of any cloth related products, manufacturing of household

products and musical instruments. He stated it would also include truck rentals, packing of food and liquid beverages, and radio and television towers.

Mr. Fisher asked about the access to the property and would it include the access off County Road 150 West. Mr. Bergman stated that the plat that is currently in effect on the property would come from the interior drive and there is no access coming from County Road 150 West.

Mr. Ruble stated that there are no plans in the Thoroughfare Plan that County Road 150 West would be extended in the future, and there are no plans to improve it.

Ms. Stark stated a Type A landscape buffer would be required, which is a solid six foot high opaque buffer between the site and residential zoning. She stated there are a 25-foot landscape easement on the north side and a 20-foot landscape easement on the west side at the properties.

Mr. Bergman stated there is a landscape easement set aside for the landscaping that is required and there would be a 50-foot transitional setback so the building could not be any closer than 50 feet to the property line. He stated in a B-4 district the transitional setback is 20 feet as it is platted now. He stated the distance from the property line in the back would increase to 50 feet instead of 20 feet if it were rezoned to I-2.

Ms. Quisenberry asked if there was a concern about property values changing in the area if this rezoning was approved. Mr. Bergman stated with the current zoning of B-4 and the proposed I-2 zoning it would be difficult to say what the impact would be on the values of the adjoining neighborhood.

Mr. Bergman stated that staff would recommend sending a favorable recommendation to the City Council.

Motion: Mr. Bonnell made a motion to send a favorable recommendation to the City Council and Mr. Ruble seconded the motion and it carried with a vote of 9-2 with Mr. Hatter and Ms. Tupin-Crites being the nay votes.

RZ-07-16: Skaggs Builders – a request by Skaggs Builders to rezone a property of 2.46 acres from R-1 (Single Family Residential) to R-6 (Multi Family Residential). The property is located at 5860 U.S. 31 in German Township.

Ms. Thayer presented the staff information on this request.

Mr. Albert Skaggs, President of Skaggs Builders Inc. and Andrew Skaggs represented the petitioner.

Mr. Skaggs stated there is a house located on the property that was purchased for the protection of the Woodland Parks residents. He stated that was the sole purpose for the purchase. Mr. Skaggs states it fronts on State Highway 31. Mr. Skaggs stated that they are proposing to construct multi-family housing on this property. He stated this would complement Woodland Parks, the current development that is in process to the north. Mr. Skaggs stated they are proposing six building with a density of 4.8 units per acre and the proposed layout would be the same as submitted at this meeting. He asked for a favorable recommendation.

Ms. Tupin-Crites asked if they had considered accessing the property from Woodland Parks instead of U.S Highway 31. Mr. Skaggs stated there was no way to access through Woodland

Parks and did not feel that this was the best approach. Mr. Skaggs stated that if they had INDOT approval he did not see a problem with using U.S. 31 as an access to this property. He stated they would anticipate empty nesters that would be living there and they would not have a lot of additional traffic.

Mr. Fisher opened the meeting to the public.

Mr. Delbert Fodder expressed concerns about the cul-de-sac that he lived on and the entrance off U.S. 31 that was adjacent to his property. He stated he would not have purchased the home if he had known this proposed property would be developed. Mr. Fodder also expressed concerns about the resale of property in this area.

Ms. Elizabeth Myers expressed concerns and stated she did not want to see a street from Woodland Parks over to the subject property.

Ms. Donna Mondell expressed concern about the landscaping and the property values at Woodland Parks. She stated she did not oppose the rezoning.

Mr. Howard (inaudible) from Northgate asked if the proposed property was connected to Woodland Parks in the back. Mr. Fisher stated no, that it would be accessed from U.S. 31 only.

Mr. Fisher closed the meeting to the public.

Mr. Bergman that some of the best information comes from the intent of the agricultural zoning district, which is how the property is zoned now, and the proposed R-6 zoning. He stated the intent of the agricultural zoning is for agricultural uses and to protect rural areas from urban encroachments until such areas are adaptable to orderly urban expansion. Mr. Bergman stated that the R-6 multi-family district is designed to provide a wide range of dwelling unit types, to perform a land use buffer function and to recapture by passed urban land where adequate public services are present. He stated there were a couple of questions that came up. One was is this right use for this property and another element was is this the right time for an R-6 zoning at this site. He stated that when staff looked at orderly development and growth, one of the key factors of the property in its current arrangement is that it could not be annexed. It lacks adequate contiguity so any development that would take place would be a County development and would not receive City services. It would not have any of the urban services that come with development within the City. Mr. Bergman stated that Driftwood Utilities would provide sewer and Eastern Bartholomew would provide water at this location now, but once this development takes place; there would be no incentive for anyone that lived in this development to consent or agree to annexation in the future. He stated that development in this area would continue to add a barrier to expansion and growth of the City of Columbus to the north.

Mr. Fisher asked what would have to happen for this property to be eligible for annexation. Mr. Bergman stated that, ideally, the next step in the progression of development on the U.S. 31 corridor is the property to the south of the subject property. He stated if this property were annexed, it would make the subject property and Woodland Parks eligible for annexation also.

Mr. Ruble stated that to upgrade the current access off U.S. 31 they would need to obtain a permit through the Indiana Department of Transportation. He stated the situation that they have with this property is that it does not extend far enough south to line their driveway up with the current cut through at the U.S. 31 and County Road 400 North intersection. Mr. Ruble stated to accommodate the improved access to this site it would be necessary for a substantial

modification be made to the crossover and then after that was done you would have two opposing intersections that are offset from one another. He stated this would cause additional turning conflicts and that is why he would not support a rezoning for this property due to the increase in traffic.

Ms. Tupin-Crites asked what Mr. Skaggs could do with this property. Mr. Bergman stated it could be single family residential. He stated that another possibility might be a common area in Woodland Park that would serve as an access for 3 or 4 homes at that location. Mr. Bergman stated the other thing that is worth pursuing is annexation of a portion of U.S 31 right-of-way. This might give Mr. Skaggs a chance for annexation from the east side of U.S. 31.

Ms. DeVore asked if there had been any consideration for a park at this site. Mr. Skaggs stated that the park area had already been established in Phase 2.

Mr. Skaggs stated he would be willing to annex this property to the City of Columbus if it was possible.

Mr. Bergman stated that staff's position has not changed and would recommend sending an unfavorable recommendation to the City Council. He stated the other option was a continuance so that the annexation and other issues could be discussed with Mr. Skaggs.

Ms. DeVore asked if they were talking about annexation of the complete addition or just the request that is before the Plan Commission. Mr. Bergman stated it would just be this request.

Mr. Skaggs asked for a continuance to the February 2008 meeting.

Motion: Mr. Bonnell made a motion to continue this request to the next meeting in February 2008. Mr. Haza seconded the motion and it carried with a vote of 11-0.

PUDF-07-09: Columbus Residence Inn – a request by Breeden Investment Group for approval of a final PUD for a property located on the northwest corner of Pine Ridge Drive and Jaimee Lane in the Westwood PUD, in the City of Columbus.

Ms. Emilie Pannell presented the staff information on this request.

Mr. Bill Kimbley a partner with Kimbley and Proctor in Indianapolis stated he is representing the petitioners, Dunn Hospitality Group from Evansville, the proposed developer of this Residence Inn. He stated that this is also a franchise of Marriott Hotels so it will be a Marriott product operated by a local franchisee.

Mr. Kimbley stated this was a new prototype building for Marriott that is still in the design process. He stated the footprint is done and some of the floor plans are done but all the structural elements and the final details are not completed yet. Mr. Kimbley stated it is a three-story product and will have 80 units. He stated there would be adequate parking and the loading facility is located in the back. He stated this was a limited use hotel. He passed out color renditions of what the hotel could look like when constructed and stated that the final color package has not been chosen yet. Mr. Kimbley stated that as soon as Marriott decides what exterior material will be used he would make that available to the Plan Commission. He stated the changes would be somewhat limited and if there are adjustments that need to be made it was his opinion that they would do so.

Mr. Kimbley stated they would use EFIS systems, which is a lot like stucco and stone masonry

exterior. He stated the landscaping would meet the ordinance. He stated the plat has not been created for this lot at this time and that it should be filed anytime with the Planning Department. He asked for approval of this request with the details and plat to be submitted later.

Mr. Bergman stated the main concern with this Preliminary PUD, the way it is laid out, is that the site is given appropriate treatment from both State Road 46 West and Pine Ridge Drive on the backside. Staff had asked for this information so that staff and the Plan Commission could conduct a detailed evaluation. He stated that the Plan Commission would need to make a decision if enough information is present at this meeting to make a decision on this request. Mr. Bergman stated that staff had hoped for color elevations of all four sides. He stated this lot has to be replatted and if they would have to return next month, it will not change the time line.

Mr. Bergman and Ms. DeVore had to leave the meeting at this time to attend the City Council meeting.

Mr. Lang asked about sidewalks on State Road 46 West. Mr. Kimbely stated that there are no plans for sidewalks at this site. He stated there is a steep slope and a drainage ditch to get out to State Road 46 West. He stated it would be a sidewalk to nowhere as there are not sidewalks on the north side of the State Road 46 West. Mr. Ruble stated he was not aware of any plans to develop sidewalks in that area. Ms. Quisenberry stated that the next phase of the People Trails is at the Fairgrounds and not that far out on State Highway 46 West. Mr. Hayes stated that there was a plan for the People Trails to extend out on State Road 46 West and perhaps also Goeller Boulevard. He stated it would eventually extend beyond ABC School.

Ms. Pannell stated they had met the landscape requirements.

Mr. Ruble stated that it was his opinion that this was a good opportunity that was lost when developing CVS and sidewalks were not required to be installed.

Ms. Thayer stated that color renderings were not presented for all sides of the building. She asked whether the material that was presented this evening was sufficient for the Plan Commission, under short review time, to determine whether the design is compatible with the Preliminary PUD.

Mr. Fisher stated that when requests have come in for this area, full coloring renderings and elevations of all sides of the building have been presented. He stated that samples of the types of building materials that were going to be used have been submitted for review and there has been a push for this corridor to look exceptionally good to represent the City.

Mr. Kimbley stated he did not know how far along Marriott was in making those decisions to finalize the plans.

Mr. Ruble stated that in past it has been helpful when builders actually bring in samples of building materials.

Mr. Wetherald asked about the other Residence Inns in other parts of the United States, and whether this one would, this one is similar to those. Mr. Kimbley stated that Marriott wanted to bring a new look. He stated the idea was to bring it into a more residential look. Mr. Wetherald stated that some of the material that had been mentioned did not complement this area when located in this corridor of the City of Columbus.

Mr. Wetherald asked the petitioner if he had visited the site and looked at the surrounding buildings. Mr. Kimbely stated no.

Ms. Quisenberry stated it was her opinion that more materials should be submitted for review before making a decision.

Ms. Thayer stated that staff would recommend a continuance to the February 2008 meeting so that color elevations of all sides of the building, and samples of materials could be submitted to the Plan Commission for review.

Mr. Lang stated he would like to see the sidewalk reconsidered in this request. Mr. Fisher stated that this could be revisited at the next meeting.

Motion: Mr. Haza made a motion to continue this request to the February 2008 meeting. Ms. Quisenberry seconded the motion and it carried with a vote of 10-0.

DISCUSSION ITEMS

Adoption of 2008 Calendar of Meeting Dates.

Ms. Tupin-Crites made a motion to approve the Calendar of Meeting Dates. Ms. Quisenberry seconded the motion and it passed unanimously.

Appointment of a Plan Commission Member and Alternate to the Landscape Review Committee.

Ms. Thayer stated that Pat Zeigler and Pam Good's terms had expired and staff would recommend not renewing their terms, as there is no longer a Landscape Review Committee under the proposed zoning ordinance.

Presidential Appointment of a Utility Review Committee Member.

Mr. Fisher agreed to serve on this committee again for 2008. Mr. Ruble made the motion and Mr. Bonnell seconded it. It passed unanimously.

Appointment of Plat Committee Members and Alternates.

Mr. Lang made a motion to appoint Jeff Bergman, Steve Ruble, and John Hatter, along with Laura Thayer and Steve Rucker as alternates to this committee. Mr. Haza seconded the motion and it carried unanimously.

Appointment of Bartholomew County Plan Commission Liaison.

Mr. Fisher made a motion to appoint Steve Ruble as the liaison member to the County Plan Commission from the City Plan Commission. Mr. Haza seconded the motion and it carried unanimously.

Appointment of Joint District Plan Commission Member.

Ms. Quisenberry made a motion to appoint Jack Heaton to the Joint District Plan Commission. Ms. Tupin-Crites seconded the motion and it carried unanimously.

DIRECTOR'S REPORT

LIASION REPORT

ADJOURNMENT: 7:30 P.M.

David L. Fisher, President

Steven T. Ruble, Secretary